

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICKY GONZALES,  
Plaintiff,  
v.  
EDMUND G. BROWN, et al.,  
Defendants.

Case No. 10-cv-01317-CW (PR)  
ORDER DENYING SECOND MOTION  
FOR APPOINTMENT OF COUNSEL  
(Docket no. 49)

On October 16, 2014, Plaintiff, a state inmate who has filed a pro se civil rights action under 42 U.S.C. § 1983, filed a motion for appointment of counsel which was denied in an Order dated October 29, 2014. Doc. no. 44.

Plaintiff now files a second motion for the appointment of counsel on the ground that the legal issues are "extremely complex." He also argues that "counsel will be better suited to work with Ashker counsel for purposes of moving our cases along with [sic] bringing delays to this court." Defendants have been served, but have not answered the complaint.

"[I]t is well-established that there is generally no constitutional right to counsel in civil cases." United States v. Sardone, 94 F.3d 1233, 1236 (9th Cir. 1996). Nonetheless, under 28 U.S.C. § 1915(e)(1), the Court has the discretion to appoint volunteer counsel for "any person unable to afford counsel." The discretionary appointment of counsel typically is reserved for

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1 cases involving "exceptional circumstances." Terrell v. Brewer,  
2 935 F.2d 1015, 1017 (9th Cir. 1991). "A finding of exceptional  
3 circumstances requires an evaluation of both the likelihood of  
4 success on the merits and the ability of the plaintiff to  
5 articulate his claims pro se in light of the complexity of the  
6 legal issues involved. Neither of these factors is dispositive  
7 and both must be viewed together before reaching a decision." Id.

8 In its October 29, 2014 Order, the Court stated:

9 Here, exceptional circumstances requiring the appointment of  
10 counsel are not evident. Contrary to Plaintiff's  
11 contentions, his claim is not complex and, based upon his  
12 filings with the Court, he appears to be capable of  
articulating his arguments. Accordingly, his motion for  
appointment of counsel is denied.

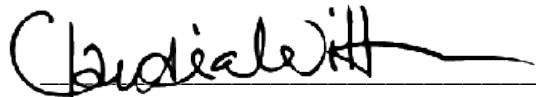
13 October 29, 2014 Order at 5.

14 For the same reasons, Plaintiff's second motion for  
15 appointment of counsel is denied.

16 This Order terminates Docket no. 49.

17 IT IS SO ORDERED.

18 Dated: January 15, 2015

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20 CLAUDIA WILKEN  
21 United States District Judge  
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